



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

GKS

*271 Cadman Plaza East
Brooklyn, New York 11201*

March 29, 2018

By Hand and ECF

The Honorable I. Leo Glasser
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Felix Sater
Criminal Docket No. 98-1101 (ILG)

Dear Judge Glasser:

The government respectfully submits this request for a limited unsealing order to permit the United States Attorney's Office for the Eastern District of New York ("USAO-EDNY") to obtain a copy of the transcript for an appearance in this matter that occurred on January 10, 2012.¹

On March 29, 2018, counsel Richard E. Lerner, Esq., filed a request for a copy of the aforementioned transcript. Dkt. No. 230.² Lerner has indicated that the transcript is

¹ In connection with parallel proceedings involving Felix Sater, Frederick M. Oberlander and Richard E. Lerner, Esq., USAO-EDNY has been recused by the Executive Office for United States Attorneys ("EOUSA") from certain criminal contempt referrals. See, e.g., In re Motions for Civil Contempt by John Doe, No. 12-MC-557 (BMC), Dkt. No. 167. EOUSA directed the United States Attorney's Office for the Northern District of New York ("USAO-NDNY") to address such referrals. Id. USAO-EDNY understands that USAO-NDNY received a copy of the Court's March 28, 2018 scheduling order. In light of the aforementioned recusal, this limited unsealing request is made on behalf of USAO-EDNY only.

² Oberlander, via Lerner as his counsel, previously filed a motion on March 19, 2018 requesting a copy of the transcript of a hearing that took place on April 27, 2011. Dkt. No. 225. On March 28, 2018, the Court issued a scheduling order providing that any response to Oberlander's March 19, 2018 letter must be filed by April 13, 2018. On March 28, 2018, USAO-EDNY filed a motion for a limited unsealing order as to Dkt. No. 225. See Dkt. No. 228. The Court granted USAO-EDNY's motion on March 29, 2018. Dkt. No. 231. Although Lerner's March 29, 2018 letter does not indicate that he is requesting a copy of the January 10, 2012 transcript on behalf of his client Oberlander, USAO-EDNY assumes that

sealed based on discussions with the court reporter. Id. USAO-EDNY has not been able to locate a copy of the January 10, 2012 transcript in its files. Accordingly, USAO-EDNY respectfully requests permission to obtain and review the transcript of the January 10, 2012 hearing in order to prepare a response to Lerner's request.³ A proposed limited unsealing order is attached.

Respectfully submitted,

RICHARD P. DONOGHUE
United States Attorney

By: /s/
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Enclosure

cc: Clerk of Court (ILG) (by ECF)
Counsel of Record

both Dkt. 225 and 230 have been filed for the same purpose and on behalf of the same interests.

³ USAO-EDNY respectfully requests that the Court amend its March 28, 2018 scheduling order to provide that responses, if any, to both Dkt. Nos. 225 and 230 be due by April 13, 2018.